

United States District Court

for the

Southern District of West Virginia

Report on Offender Under Supervision

Name of Offender: Matthew A. Leavitt

Case Number: 2:09CR00150

Name of Sentencing Judicial Officer: Honorable Joseph R. Goodwin, Chief United States District Judge; case reassigned to the Honorable Thomas E. Johnston, United States District Judge

Date of Original Sentence: October 22, 2009

Original Offense: 18 U.S.C. § 242 Deprivation of rights under color of law

Original Sentence: Twenty-four months' imprisonment followed by two years' supervised release

Type of Supervision: Supervised Release Date Supervision Commenced: August 9, 2011

NONCOMPLIANCE SUMMARY

The offender has not complied with the following condition(s) of supervision:

Violation Number

Nature of Noncompliance

1. **Violation of standard condition: The defendant shall not commit another federal, state or local crime.**

On March 4, 2012, the offender was arrested by the Dunbar Police Department, in Dunbar, West Virginia, for driving under the influence of alcohol.

2. **Violation of standard condition number seven: The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician:**

On March 5, 2012, the offender admitted to drinking alcohol excessively on the night of March 3, 2012, and in the early hours of March 4, 2012.

U.S. Probation Officer Action:

Mr. Leavitt began his term of supervised release on August 9, 2011. He is currently employed with World Wide Equipment, in South Charleston, West Virginia, and recently received a promotion with the company.

On February 23, 2012, Mr. Leavitt reported to the probation office to inform this officer that he was separated from his wife and that he was changing residences. This officer inquired about Mr. Leavitt's usage of alcohol, and he admitted that he had been drinking a lot. Mr. Leavitt was referred to Pyramid Counseling for substance abuse treatment. His first appointment was scheduled for March 4, 2012.

On March 5, 2012, this officer was notified that Mr. Leavitt had been arrested for Driving Under the Influence (DUI) in Dunbar, West Virginia, on March 4, 2012. According to the police report, Mr. Leavitt was found unresponsive behind the wheel of his vehicle, on the I-64 eastbound exit ramp in Dunbar, West Virginia. The vehicle at the time was running and the transmission was in "drive". Mr. Leavitt did not wake up for approximately forty-five seconds, and when he did wake, the officer could smell alcoholic beverage emitting from his facial area. When asked by the officer if he was intoxicated, Mr. Leavitt shook his head up and down. Mr. Leavitt admitted to drinking "several" alcoholic beverages and stated that he was "just trying to make it home." After Kanawha County EMS arrived, the defendant exited the vehicle and was very unsteady on his feet. His speech was extremely slow, slurred and his eyes were glassy and bloodshot. Mr. Leavitt refused to perform field sobriety tests and a preliminary breath test. He was placed under arrest for DUI. Once under arrest, Mr. Leavitt refused to submit to a secondary breath test or a blood draw.

On March 5, 2012, Mr. Leavitt called this officer to report the arrest and he was instructed to report to the office as soon as possible. Mr. Leavitt reported to the probation office as instructed. Mr. Leavitt indicated that he attended his substance abuse counseling session on March 4, 2012, and then began drinking alcohol at a local bar in Charleston, West Virginia, and then later at a friend's home in Winfield, West Virginia. Mr. Leavitt appeared to become very distraught, and pleaded with this officer to allow him to get help for his alcohol problem. Mr. Leavitt was referred to the Veterans for Justice inpatient substance abuse treatment program, located in Clarksburg, West Virginia. He has been placed on a waiting list. Mr. Leavitt will continue to attend outpatient substance abuse treatment at Pyramid Counseling and has been informed of local AA meetings. This officer informed Mr. Leavitt that a report regarding his status would be forwarded to the Court.

As of this writing, there has not been a court date scheduled in Kanawha County Magistrate Court. This officer will continue to monitor the status of the case and the offender's compliance with his conditions of supervised release.

Respectfully submitted,

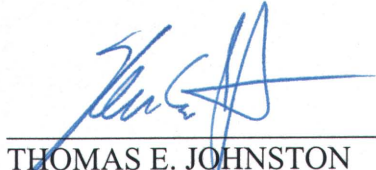
by



Troy A. Lanham
U.S. Probation Officer
March 12, 2012

No Response is necessary unless the court directs that additional action be taken as follows:

- ☐ Submit a Request for Modifying the Condition or Term of Supervision
- ☐ Submit a Request for Warrant or Summons
- ☒ No Action
- ☐ Other



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE

March 13, 2012

Date